

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BENJAMIN ESPINOSA,)	3:17-CV-0710-MMD-CLB
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	March 3, 2020
)	
JAMES DZURENDA, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE CARLA BALDWIN, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is defendants' motion for leave to file Exhibits R, S, and T in camera and Exhibit U under seal (ECF No. 67). Plaintiff is representing himself in this case filed under 42 USC § 1983. Some of the allegations of plaintiff's complaint concern his mental health treatment and a suicide attempt (ECF No. 14, p. 32).

Defendants filed a motion for summary judgment and in support of that motion, they have submitted to the court, in camera, three exhibits they rely upon to support their motion (Exhibits R, S, and T). However, defendants do not want plaintiff to see these exhibits because "these items contain highly sensitive information that may detrimentally affect plaintiff's mental health condition if he were to see the comments of his practitioners, the people from whom he receives treatment." (ECF No. 67). In their motion for summary judgment, defendants cite to these exhibits and even quote from the exhibits several times (ECF No. 66, p. 7, 8, & 18). Defendants offer no suggestions of how plaintiff, who is appearing *pro se*, is to respond to exhibits which contain his own mental health records that he is not permitted to view.

The court has reviewed the Exhibits R, S, and T and has determined that they shall be filed under seal. Defendants shall send a copy of Exhibits R, S, and T to the Office of the Warden at plaintiff's current place of incarceration. If defendants believe that the exhibits will detrimentally affect plaintiff's mental health, they shall make arrangements for plaintiff to view the records together with a mental health professional. Alternatively, they may withdraw their motion for summary judgment and resubmit a motion that does not rely on these records as exhibits.

Defendants' motion to file Exhibit U under seal (ECF No. 67) is **GRANTED**.
Defendants' motion to file Exhibits R, S, and T in camera is **DENIED**. The Clerk shall file Exhibits R, S, and T under seal.

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK

By: /s/
Deputy Clerk